

By Senator Bennett

21-01614-09

20092152\_\_

1 A bill to be entitled

2 An act relating to pretrial proceedings; amending s.  
3 948.06, F.S.; providing that at the first appearance  
4 of a probationer or an offender on community control  
5 arrested for a new offense for which the court finds  
6 the existence of probable cause, the court may order  
7 pretrial detention or pretrial release of the person  
8 with or without bail to await further hearing to  
9 determine the outcome of a violation hearing;  
10 providing for dismissal if no affidavit alleging a  
11 violation of probation or community control is filed  
12 within a specified period; exempting persons subject  
13 to hearings under specified provisions; providing an  
14 effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Paragraphs (c) through (f) of subsection (1) of  
19 section 948.06, Florida Statutes, are redesignated as paragraphs  
20 (d) through (g), respectively, and a new paragraph (c) is added  
21 to that subsection to read:

22 948.06 Violation of probation or community control;  
23 revocation; modification; continuance; failure to pay  
24 restitution or cost of supervision.—

25 (1)

26 (c) Notwithstanding s. 907.041, at the first appearance of  
27 a probationer or an offender on community control arrested for a  
28 new offense for which the court finds the existence of probable  
29 cause, the court may order pretrial detention or pretrial

21-01614-09

20092152\_\_

30 release of the person with or without bail to await further  
31 hearing to determine the outcome of a violation hearing. If no  
32 affidavit alleging a violation of probation or community control  
33 is filed with the court within 10 days after arrest for the new  
34 offense, the order regarding pretrial detention or pretrial  
35 release on the uncharged violation of probation or community  
36 control shall be dismissed. This paragraph does not apply to a  
37 probationer or community controllee who is subject to a hearing  
38 on whether he or she is a danger to the community as required  
39 under subsection (4) or paragraph (8) (e).

40 Section 2. This act shall take effect October 1, 2009.